

Message Text

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DRAFTED BY OES/OFA/FA:DMARSHALL:OW
APPROVED BY OES/OFA:JDNEGROPONTE
L/OES: D COLSON
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R 211951Z MAY 78
FM SECSTATE WASHDC
TO THE HONORABLE JAY S HAMMOND
GOVERNOR OF THE STATE OF ALASKA
GOVERNORS MANSION
JUNEAU ALASKA

UNCLAS STATE 128750

E.O. 11652: N/A

TAGS:EFIS, CA

SUBJECT:U.S.-CANADA FISHERIES RELATIONS

I REFER TO MY TELEPHONE CONVERSATIONS WITH MEMBERS OF YOUR
STAFF REGARDING POSSIBLE FISHING BY CANADIAN VESSELS WITHIN
THREE MILES OF THE SHORELINE BELOW SO-CALLED AB LINE IN THE
DIXON ENTRANCE. ANTICIPATED DEMONSTRATION WAS AVERTED
LARGELY THROUGH PERSUASIVE EFFORTS OF CANADIAN FEDERAL
OFFICIALS.

SHOULD SUCH INCIDENT OCCUR IN FUTURE, THERE ARE SEVERAL
POINTS WORTH KEEPING IN MIND. AREA IN QUESTION IS CLAIMED
BY BOTH THE UNITED STATES AND CANADA. BOTH COUNTRIES HAVE
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IN PAST EXERCISED ENFORCEMENT RESTRAINT IN "BOUNDARY
REGIONS" WITH ENFORCEMENT BY FLAG STATE ONLY. THIS POLICY
WAS APPROVED BY CONGRESS IN 1977 INTERIM AGREEMENT AND IS
EMBODIED IN 1978 INTERIM. THE UNITED STATES IS AT PRESENT
EXERCISING ENFORCEMENT DISCRETION TO ALLOW CANADIAN
FISHING IN ACCORDANCE WITH THE TERMS OF THE 1978 INTERIM
AGREEMENT PENDING ITS APPROVAL BY THE CONGRESS.

SUCH FISHING BY CANADIAN VESSELS WOULD NOT BE A CLEAR VIOLATION OF THE INTERIM AGREEMENT. IT COULD BE CONSTRUED, HOWEVER, AS AN INITIATION OF A NEW FISHERY OR AS AN EXPANSION OF EFFORT AND AS SUCH THE UNITED STATES, IF CIRCUMSTANCES WARRANTED, COULD REGISTER AN OBJECTION TO SUCH FISHING.

SHOULD CANADIANS FISH IN THE AREA IN QUESTION DURING A TIME WHEN HALIBUT COMMISSION REGULATIONS DID NOT PERMIT, THEY WOULD, OF COURSE, BE IN VIOLATION AND COULD BE SEIZED AND TURNED OVER TO CANADIAN OFFICIALS FOR PROSECUTION UNDER IPHC PROVISIONS. DURING THE IPHC OPEN SEASON, HOWEVER, THE SITUATION IS MORE AMBIGUOUS.

GIVEN THE UNCERTAINTIES AND COMPLEXITIES OF THE LEGAL ISSUES INVOLVED AND THE DELICATE STATE OF THE MARITIME BOUNDARY AND RESOURCE NEGOTIATIONS CURRENTLY IN PROGRESS BETWEEN THE TWO COUNTRIES, I WOULD URGE THAT THE STATE OF ALASKA FOLLOW A POLICY OF MODERATION AND FORBEARANCE SHOULD CANADIAN VESSELS ATTEMPT TO FISH IN THE DISPUTED AREA WITHIN THREE MILES OF ALASKA. WE FEEL THAT THE BEST HOPE FOR RESOLUTION OF THE UNITED STATES AND CANADA'S MUTUAL FISHERIES PROBLEMS, AS WELL AS OF THE BOUNDARY DIFFERENCES, LIES IN THE LONG TERM AGREEMENT WE ARE SEEKING. INCIDENTS OR CONFRONTATIONS CAN ONLY BE DETRIMENTAL

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TO OUR EFFORTS TO REACH SUCH AN AGREEMENT. THAT CANADA SHARES OUR VIEW IS REFLECTED BY THE ACTION TAKEN IN THE PRESENT CASE TO DISCOURAGE THE PLANNED DEMONSTRATION.

IN ORDER THAT ALL UNITED STATES ACTIONS MAY BE FULLY COORDINATED, I WILL GREATLY APPRECIATE YOUR LETTING ME KNOW OF ANY FURTHER DEVELOPMENTS IN THIS SITUATION AND I WILL CERTAINLY KEEP YOU SIMILARLY INFORMED.

LLOYD N. CUTLER, SPECIAL REPRESENTATIVE OF THE PRESIDENT
FOR UNITED STATES-CANADA MARITIME NEGOTIATIONS. VANCE

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